

## **Remarks**

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1 and 2 have been amended. No claims have been canceled. Therefore, claims 1-12 are now presented for examination.

### **35 U.S.C. §112 Rejection**

Claims 2 and 4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Applicants have amended claim 2 to appear in better form for allowance. Applicants submit that claim 4 did not require amendment as it did not lack proper antecedent basis. Therefore, Applicants respectfully request that the 35 U.S.C. §112 rejection be withdrawn.

### **35 U.S.C. §102(e) Rejection**

Claims 1-8 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hipp et al. (U.S. Patent No. 6,411,506). Applicant submits that the present claims are patentable over Hipp.

Hipp discloses a web server processing card that is a single board computer, upon which all of the requisite components and devices are mounted to enable the processing card to function and operate as a server. Each web server processing card within a particular chassis share a common passive midplane through which all power and connectivity passes. (Hipp at col. 7, ll. 52-56.) Each web server processing card includes

a printed circuit board, coupled with a central processing unit (CPU), a disk drive, a dynamic memory integrated circuit, and network interface integrated circuitry. (Col. 8, ll.1-4.) The server chassis is intended for rack mounting in a server rack, and includes the passive midplane and all the associated web server processing cards. (Col. 7, ll. 57-62.) Hipp further discloses, a network interface card that couples the passive midplane and web server processing cards with a public network switch via a communication links. The public network switch distributes data between the web server processing cards and the public network. (Col. 3, ll. 66-67 and col. 4, ll. 1-6.)

Claim 1 of the present application recites:

An apparatus comprising:  
a card rack;  
two or more server node cards, each server node card can perform server functions with integrated switch and router functions including load balancing and fail-over; and  
a plurality of ports coupled with the two or more server node cards.

Applicants submit that Hipp does not disclose or suggest a server node card with integrated switching and router functions. The Examiner asserts “the server node must switch between the public network and the private network and route the requested data to the correct destination network or at least route the requested data to the correct switch of the destination network (either switch 42 or 50).” (See Final Office Action at page 8, point 21.) However, this functionality is not disclosed anywhere in Hipp.

Hipp specifically states the “network interface card couples ... web server processing cards with a public network switch” and that the “[p]ublic switch distributes data between web server processing cards and public network.” (Col. 3, line 66 – col. 4 line 6.) It is clear that the network interface cards and switches provide the switching and routing functions in Hipp, and not the web server processing cards.

It is also clear in Hipp that the network interface cards, and not the web server processing cards, are responsible for routing data to the correct switch in Hipp. As for the data getting to the correct network interface card, Hipp does not disclose how this is done. There are a variety of possibilities, such as the network interface cards monitoring the midplane for certain address destinations and then routing data with addresses it is responsible for, thereby performing the switching and routing functions. As the feature of a server node card performing server functions with integrated switch and router functions is not disclosed in Hipp and not inherent in Hipp's disclosure, it cannot be said that Hipp discloses this feature. Therefore, claim 1 is patentable over Hipp.

Claims 2-4 depend from claim 1 and include additional limitations. Therefore, claims 2-4 are also patentable over Hipp.

Claim 5 recites, in part, each server node comprising a server with integrated switching, routing, load balancing and fail-over functions. Thus, for the reasons described above with respect to claim 1, claim 5 is also patentable over Hipp. Since claims 6-8 depend from claim 5 and include additional limitations, claims 6-8 are also patentable over Hipp.

### **35 U.S.C. §103(a) Rejection**

Claims 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hipp et al. (U.S. Patent No. 6,411,506). Applicants submit that the rejection of the present claims is not supported by Hipp.

Claim 9, in part, recites each server node comprising a server with integrated switching, routing, load balancing and fail-over functions. As discussed above with respect to claim 1, Hipp does not disclose or suggest such a feature. Thus, for the reasons described above, the rejection of claim 9 is not support by Hipp.

Claims 10-12 depend from claim 9 and include additional limitations. Therefore, the rejection of claims 10-12 is also not supported by Hipp.

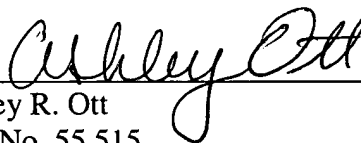
Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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